

July 14, 2009

To: Teresa Parsons, Supervisor
Director's Review Program

FROM Meredith Huff, SPHR
Director's Review Investigator

SUBJECT: Laura Cashen v Washington State Patrol (WSP)
Allocation Review No. ALLO-09-005

On January 22, 2009, Ms. Laura Cashen submitted a Request for Director's Review of the WSP's allocation determination for her position. This review was conducted through written documentation.

Director's Determination

As the Director's review investigator, I carefully reviewed and considered all of the documentation in the file and the class specifications. Based on my review and analysis, I conclude that the Secretary Supervisor classification is the best fit for Ms. Cashen's position's overall responsibilities and duties. Ms. Cashen's position is properly allocated.

Ms. Cashen included position descriptions of other WSP positions in her exhibits. Although job descriptions and other documents provide guidance to the agency's organization, they are not allocation criteria and were not used in making a decision in this review.

Background

Ms. Cashen submitted a Position Review Request on April 29, 2008 to WSP Human Resources requesting her Secretary Supervisor position be reallocated to Administrative Assistant 4. On May 14, 2008, Human Resources received an updated Position Description Form by e-mail for Ms. Cashen's position, #0043. By memos dated August 22, 2008 and December 24, 2008, Ms. Pat Marshall notified Ms. Cashen that her position was properly allocated to the Secretary Supervisor classification and denied her request for reallocation to Administrative Assistant 4. Ms. Marshall noted in her

memos she had reviewed several other classifications during the review process. On January 22, 2009, the Department of Personnel (DOP) received Ms. Cashen's request for a Director's Review of WSP's allocation determination.

Summary of Ms. Cashen's Written Comments

At the time Ms. Cashen requested a Director's Review, she indicated that the Secretary Supervisor class did not accurately reflect the true nature and changes to duties and functions that took place over the past few years. She indicated that the Administrative Assistant 4 more accurately reflected the duties, responsibilities and nature of her position.

Ms. Cashen called attention to the Forms and Records Analyst 3 (FRA3) and noted these employees do not supervise other employees or projects, analyze or consult on record forms, updates, or procedures or consult with the district commander on any functions relating to forms, records or retention. She wrote that a gross inequity was created when the Customer Service Representative 2 (CSR 2) positions were reallocated to FRA3. The CSR 2 positions were supervised by the Secretary Supervisors for years until the positions were realigned to centralized supervision in Olympia just eight months before they were reallocated. Ms. Cashen also wrote that a position in a different unit was allocated to an AA4 position.

Ms. Cashen expressed concern that in the desk audit process several things were left out and the fact that the employee had no chance to simultaneously meet with the desk audit team and the supervisor did not seem reasonable. She stated that the desk audit seemed as if it "was intended to disprove our duties versus capturing them." (Exhibit A-10)

Summary of WSP's Written Comments

In the determination memo of December 24, 2008, Ms. Marshall recognized that certain administrative duties have been delegated to Ms. Cashen's position. Ms. Marshall also noted that secretarial duties performed by Ms. Cashen's position form 65% of her duties. Ms. Marshall wrote that Captain Lever, Ms. Cashen's immediate supervisor, is not the head of a state agency, the head of a major sub-division, the chief administrator or the head of a major organizational unit within WSP. Ms. Marshall noted that she conducted desk audit interviews with Ms. Cashen and Captain Lever. She examined the Administrative Assistant 4 and 5, Confidential Secretary 2, and Executive Secretary classes and WMS 1 and found that Ms. Cashen's position did not meet the requirements of those classes. As stated in her memo, Ms. Marshall found that the Secretary Supervisor class was the best fit for Ms. Cashen's position. (Exhibit A-5)

Rationale for Determination

A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which the work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best

describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

The position description serves the same purpose as the former classification questionnaire. Both the Personnel Appeals Board and the Personnel Resources Board have held that because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation determination must be based on the overall duties and responsibilities as documented in the classification questionnaire. Lawrence v. Dept of Social and Health Services, PAB No. ALLO-99-0027 (2000).

Most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. See Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

While a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position. Flahaut v. Depts of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996)

The Personnel Appeals Board has found that "for a position to be allocated to any level of the Administrative Assistant series, it must first meet the allocating criteria for Administrative Assistant 1 (AA1). The key criteria is related to the supervisor's delegation and the incumbent's performance of reviewing, controlling, prioritizing and coordinating functions of the supervisor's subordinate professional staff. The extent of such involvement and performance by the incumbent is most important." See Deitrick v DSHS and DOP PAB Case no. A85-1.

"However, in accordance with the guidance provided in the Department of Personnel Classification and Pay Administrative Guide, typical work statements and minimum qualifications are not allocating criteria. Rather they provide guidance on the level of work typically found in the various classes within a series. The guidance provided in Classification and Pay Administrative Guide establishes that the following standards are primary considerations in allocating positions:

1. Category concept (if one exists).
2. Definition or basic function of the class.
3. Distinguishing characteristics of a class.

4. Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.”

Jurgensen v. DOC, PRB Case No. R-ALLO-07-016 (2008).

Glossary of Classification, Compensation and Management Terms (Glossary)

In reviewing this position, I have considered the following terms which are defined, in part, in the DOP's *Glossary of Classification, Compensation and Management Terms*. The website link is:

<http://www.dop.wa.gov/CompClass/CompAndClassServices/Pages/HRProfessionalTools.aspx>

“Complexity of Work. Refers to the scope, variety and difficulty of the duties, responsibilities, and skills required to perform the work. Complexity is categorized, in part, as:

Routine – Performs several related and repetitive tasks that require some judgment regarding the rules, procedures, materials, or equipment that will be used.

Complex – Independently uses a wide variety of rules, processes, materials, or equipment to complete work assignments that require specialized knowledge or skills. Decisions are made independently regarding which rules, processes, materials, or equipment to use in order to effectively accomplish work assignments.

Nature of Work. Basic types of work assignments performed by a class, in part:

Administrative – Determines or participates in making policy, formulates long-range objectives and programs, and reviews the implementation of programs for conformance to policies and objectives.

Professional – Performs work that requires consistent application of advanced knowledge usually acquired through a college degree in a recognized field, work experience, or other specialized training. Exercises discretion and independent judgment when performing assignments. Examples include, but are not limited to, social workers, psychologists, registered nurses, economists, teachers or instructors, human resource consultants, accountants, and information system analysts.”

Technical – Specialized knowledge or skills gained through academic or vocational courses offered in technical and community colleges, or equivalent on-the-job training.

Position Description Form (Exhibit B-6) & Position Review Request (PRR) (Exhibit B-3)

A Position Description Form (PDF) was received electronically by HR on May 14, 2008 which stated the Position Objective as “*This position provides administrative assistance to the District VII Commander. Responsibilities include research and report writing, data analysis; monitoring projects and their due dates; supervising the district administrative support staff; signing form letters for the District Commander.*”

Ms. Cashen completed a Position Review Request (PRR) on April 23, 2008 that described her Position Purpose as “*Assistant on administrative matters to the District VII Commander. I directly support the District Commander (Captain) on all administrative matters.*”

On the PDF, Ms. Cashen describes her Key Work Activities as follows, in part.

55% Assistant to Commander of District VII for administrative matters within the district. Coordinate projects and due dates within the district, ... Track projects, due dates and internal investigations for completion...Review documents/reports and OPS investigations for thoroughness and completeness before they go to the Captain.... Monitor budgets, track expenditures and make recommendations for equipment. Project future needs, develop reports and recommendations regarding the budget...Supervise/oversee the tracking of all grant monies (Traffic Safety and Tribal). ...Manage calendars for the Captain and lieutenants.... Process incoming mail for District Commander. Screen all public and outside agency inquiries...Attend various meetings with the District Commander [as] his assistant; speak for the District Commander on administrative matters. Work closely with district command in district command post during emergency situations...

20% Assist other employees and the public with agency rules and regulations... explaining and interpreting complex rules, policies and procedures. Review the work of others ...Develop and establish office procedures and work methods...Work closely with the Prosecutor's office and district courts, coordinating meetings... obtain reports ... and prepare necessary correspondence. Work with attorneys and WSP employees coordinating civil subpoenas,...track employee's time and bill attorneys accordingly. Conduct off-duty overtime audits on commissioned personnel for the District Commander, ... write final report to the District Commander outlining discrepancies.in session, track and monitor legislative bills...reporting such to District Commander

15% Supervises two Office Assistant 3.

5% District travel liaison...make airline and lodging reservations...Purchase authority up to \$500; authorizing signature on all pay documents...District coordinator for national, statewide and agency emphasis patrols...Coordinates the WSP aircraft for transportation...

5% Other duties as required

Ms. Cashen and her immediate supervisor, Captain/District VII Commander J. S. Lever, electronically signed the PDF on May 6, 2008. (Exhibit B-6)

Ms. Cashen also submitted a Position Review Request (PRR) which describes similar work information as the PDF and provides more detail of the division of work time among her responsibilities. Overall, the duties are similarly described in portions of the PRR (Exhibit B-3) and the PDF. (Exhibit B-6). The PRR provides the following summarized details of Ms. Cashen's work:

25% Coordinate projects and due dates within the district from assigning staff...

10% Interview, hire, assign and direct work, evaluate... two employees.

10% Monitor budgets...expenditures...make recommendations for staffing and equipment. Project future needs, develop reports and recommendations ...oversee the tracking of grant monies (Traffic Safety and Tribal).

10% Compose directives, administrative policies, and procedures. Independently compose business letters ... Sign routine correspondence for the District Commander.

10% Review and evaluate documents...Review OPS investigations for thoroughness and completeness... returning them to the lieutenant as necessary for completion...

5% Establish and maintain office procedures, standards, priorities, work methods...,
5% Plan and schedule travel arrangements...prepare...maintain travel itineraries...
5% ... track...monitor legislative bills for potential impact on agency/district programs...
5% Work...with the Prosecutor's Office and district courts, ...Work with attorneys and
WSP employees coordinating civil trials, ...track employee's time and bill attorneys...
5% Conduct off-duty overtime audits on commissioned personnel....

Capt. James S. Lever signed the PRR as the immediate supervisor and noted the level of supervision he provides to Ms. Cashen's position is "Little, employee responsible for devising own work methods." He noted that Ms. Cashen makes decisions "related to submission of timely reports and staff work to Headquarters. Laurie does an excellent job of working independently and keeping me well informed." Captain Lever also noted that, "Laurie is responsible for the day-to-day District office administrative operations. This includes a wide variety of tasks related to managing 109 allotted troopers, 14 sergeants, three lieutenants, and other support staff." Assistant Chief Leslie Young signed the PRR as the Unit Head.

Classifications Reviewed

Administrative Assistant 1 (cc 105E), 2 (cc 105F), 3 (cc105G), 4 (cc105H), 5 (cc 105I)

Guidance from the Personnel Resources Board indicates that when making an allocation to a classification series, the position must meet the requirements of the first and second levels, prior to allocation at higher levels.

The DOP Glossary defines administrative work as duties involving determination and/or active participation in making policy, formulating long range objectives and programs, and reviewing the implementation of programs for conformance to policies and objective.

Administrative Assistant 1 (AA1) (class code105E)

In considering the Administrative Assistant 4 classification, I first reviewed the series concept as identified in the Administrative Assistant 1 Distinguishing Characteristics. It includes the following:

"Administrative Assistants can be distinguished from clerical positions by the formal delegation and regular exercise of the following responsibilities: (a) reviewing the work of professional staff for completeness, to assure that input-output is in compliance with laws, rules, policies, procedures and standards; (b) controlling the professional staff's work by directing changes, corrections and authorizing exceptions to ensure compliance with the supervisor's schedules and priorities; (c) prioritizing the professional staff's workload within established guidelines; and (d) coordinating the professional staff's work within an agency, between agencies, with the public and/or other governmental entities. OR

The technical work addressed in the definition is distinguished by a professional position fully delegating a technical portion of the position's duties which in turn

encompasses the majority of the Administrative Assistant's work and can be traced to originate directly from a professional position's duties and responsibilities.

Administrative Assistant positions do not report to a Clerical Supervisor. Their work is not clerical or secretarial as stated in those class specifications. However, only positions at this level in the class series may be assigned some clerical and/or secretarial duties not to exceed 25% of the total work."

The Definition states: "Provides para-professional administrative and staff assistance to a professional supervisor by reviewing, controlling, prioritizing and coordinating the work of the supervisor's professional staff; or performs technical work which is directly delegated from a professional position."

Ms. Cashen's PDF and PRR indicate that she does review the Lieutenants' OPS reports for completeness prior to submission to the Captain. However, in the review of the documentation, I find no indication that Ms. Cashen was formally delegated and regularly exercises responsibility to:

- (a) review the work (other than the OPS reports) of professionals for completion and assure compliance with all laws, policies, procedures and standards;
- (b) control the professional staff's work by directing changes, corrections and authorizing exceptions to ensure compliance with the supervisor's schedules and priorities
- (c) prioritize the professional staff's workload within established guidelines; and
- (d) coordinate the professional staff's work within the agency, between agencies, and with the public and/or other governmental entities.

Further, I did not find evidence in the PDF and PRR that, for a majority of her work, Ms. Cashen performs technical work that is delegated directly from her immediate supervisor's or other professional's position.

Finally, the nature of an Administrative Assistant's work is not clerical or secretarial. For the majority of Ms. Cashen's work, she provides secretarial support to her supervisor and to others.

Ms. Marshall, in her memo of December 22, 2008, verified that Ms. Cashen does not report to the head of a state agency, the head of a major subdivision, a major operating location of an agency, to the chief administrator or to the head of a major organizational unit as required by the Administrative Assistant 4 and 5 classes. (Exhibit A-5)

In comparing Ms. Cashen's position to the requirements of the Administrative Assistant series, I find that Ms. Cashen's position does not reach the level of delegated responsibility for the work of other professional staff. She does not perform technical work delegated from Captain Lever's or other professional positions. The nature of a majority of Ms. Cashen's assigned work is secretarial. Ms. Cashen's position does not meet the anticipated scope of delegated responsibility and authority or the level and extent of administrative duties anticipated by the Administrative Assistant class series

concepts. The Administrative Assistant classes are not the best fit for the responsibilities assigned to Ms. Cashen's position. The Administrative Assistant 4 or the Administrative Assistant 5 is not a match for Ms. Cashen's position's duties and responsibilities.

Secretary Supervisor (SS) (class code 100V)

In summary, the Definition of the Secretary Supervisor indicates an incumbent is authorized to supervise office support staff, interview and recommend selection of applicants, conduct training, assign and schedule work, act on leave requests, conduct annual performance evaluations and recommend corrective/disciplinary actions. Incumbents establish office procedures, standards, priorities and deadlines and have frequent contacts with clients, the public, staff from other departments and management staff. In addition, incumbents perform complex secretarial duties such as independently planning, organizing and prioritizing work to meet internal and external deadlines, monitoring and evaluating budgets, developing travel itineraries, compiling reports, coordinating office operations and initiating action to ensure office goals are met. Incumbents also exercise independent judgement to accomplish assignments or solve problems and to develop new work methods, procedures, or strategies to solve new or unusual problems.

As noted earlier on the PDF and the PRR, Ms. Cashen's position has responsibility to supervise two employees. She establishes office procedures and standards, determines priorities and ensures deadlines are met. She independently reviews ISO reports and returns them for correction, if necessary, before they are submitted to Captain Lever. Ms. Cashen screens all public and agency inquiries, coordinates projects and due dates, monitors budgets and tracks expenditures and conducts off-duty overtime audits of commissioned personnel. She is responsible to maintain the office operations. These duties and responsibilities are encompassed in the Secretary Supervisor class.

The level of authority and nature of Ms. Cashen's work as described on the PDF is anticipated by the Definition of the Secretary Supervisor class. The majority of work assigned to Ms. Cashen's position, as well as the scope and level of responsibility is best described by the Secretary Supervisor classification. Ms. Cashen's position is properly allocated.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following: *"An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken."*

Please note telephone and address changes:

On July 6, 2009, the offices of the Director's Review Program and Personnel Resources Board Appeals Program relocated to the Department of Personnel building located at 600 South Franklin in Olympia. The main phone number for the two programs is now **360-664-0388**. The fax number remains the same, **360-753-0139**.

All requests for Director's Reviews and appeals to the Personnel Resources Board must be filed:

In person at:

600 South Franklin
Olympia, WA 98504-7530

OR

By mail at:

Mail Stop 40911
Olympia, WA 98504-0911

If no further action is taken, the Director's determination becomes final.

cc: Laura Cashen, WSP
Pat Marshall, WSP
Lisa Skriletz, DOP

Enclosure: Exhibits List

Exhibits List

A. Laura Cashen's Exhibits

1. Request for Director's Review Form received January 22, 2009
2. WSP Allocation determination letter dated December 24th, 2008
3. Ms. Cashen's statement dated March 30, 2009
4. Ms. Pat Marshall's memo dated August 22, 2008 denying reallocation to AA4
5. Ms. Pat Marshall's memo dated December 24, 2008 denying reallocation request
6. DOP Director's Review, Susan Knopes v WSP Allo-07-116
7. WSDOP's Forms & Records Analyst 3. Class Specification (class code 112K)
8. WSDOT's Confidential Secretary's Position Description (list of duties)
9. Rebuttal to Mr. Rick Shea's denial of our reallocation request
10. Written Statement dated June 17, 2009 with
 - a. comparison of duties to AA4 class
 - b. comparison of duties to AA5 classes

B. WSP Exhibits February 24, 2009:

1. Dept. of Personnel Director's Review Acknowledgement letter
2. Request for Director's Review Form
3. April 2008 Position Review Request Form
4. Agency denial letter dated December 24, 2008
5. Desk Audit notes
6. Position Description Form (electronic) received 5/14/08, dated 5/6/08
7. Class Specifications
 - a. Administrative Assistant 3 (class code 105G)
 - b. Administrative Assistant 4 (class code 105H)
 - c. Administrative Assistant 5 (class code 105I)
 - d. Secretary Supervisor (class code 100V)
 - e. Allocation Summary – Administrative Assistant Series June 1991
8. Analysis from DOP (Rick Shea) November 24, 2008
9. Misc. Items
10. WSP email to Karen Wilcox, DOP, stating HRD has no additional information to submit, June 22, 2009

C. Administrative Assistant 1 classification (class code 105E)